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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

:
: CONSENT PRELIMINARY ORDER OF
: FORFEITURE/MONEY JUDGMENT

-v.-

: 15 Cr. 307 (RJS)

RUDY JAMES,

:

DEFENDANT.

- - - - -X

WHEREAS, on or about July 31, 2015, RUDY JAMES (the "defendant"), was charged in a three-count Superseding Information, S1 15 Cr. 307 (the "Information"), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); access device fraud, in violation of Title 18, United States Code, Section 1029 (Count Two); and failure to pay legal child support obligations, in violation of Title 18, United States Code, Sections 228(a)(3) and (c)(2) (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense allege in Count One of the Information;

WHEREAS, the Information included a forfeiture allegation as to Count Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), of all property, real and personal, that constitutes or is derived, directly or

indirectly, from gross proceeds traceable to the commission of the offense;

WHEREAS, on or about July 31, 2015, the defendant pled guilty to Counts One through Three of the Information and admitted the forfeiture allegations with respect to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the defendant agreed to forfeit to the United States (a) a sum of money representing all property, real or personal, which constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information; and (b) a sum of money representing all property, real or personal, which constitutes or is derived from proceeds traceable to the offense charged in Count Two of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$520,499.46 in United States currency, pursuant to Title 18, United States Code, Section 982(a)(7) representing all property, real or personal, constituting or derived directly or indirectly from gross proceeds traceable to the commission of the offense alleged in Count One of the Information;

WHEREAS, the defendant consents to the entry of a second money judgment in the amount of \$400.00 in United States currency, pursuant to Title 18, United States Code, Section 982(a)(2)(B) representing all property, real or personal, constituting or derived directly or indirectly from gross proceeds traceable to the commission of the offense alleged in Count Two of the Information; and

IT IS HEREBY CONSENTED TO AND AGREED, by and between the plaintiff, United States of America, by its attorney Joon H. Kim, Acting United States Attorney, Assistant United States Attorney Benet J. Kearney, of counsel, and the defendant, and his counsel, Steven Frankel, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$520,499.46 in United States currency shall be entered against the defendant.

2. As a result of the offense charged in Count Two of the Information, to which the defendant pled guilty, a money judgment in the amount of \$400.00 in United States currency shall be entered against the defendant.

3. The total forfeiture obligation owed by the defendant is \$520,899.46 (the "Money Judgment").

4. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, RUDY JAMES, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

5. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service (or

its designee), and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One Saint Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

6. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshal's Service (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

9. The Clerk of the Court shall forward three

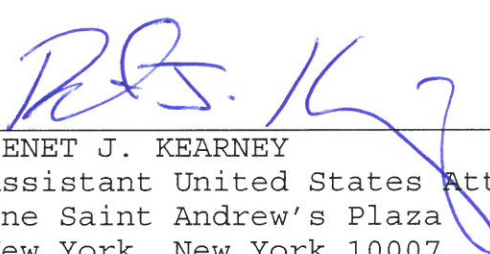
certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Sarah K. Eddy, Chief, Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

10. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

JOON H. KIM
Acting United States Attorney for the
Southern District of New York

By:



BENET J. KEARNEY
Assistant United States Attorney
One Saint Andrew's Plaza
New York, New York 10007
(212) 637-2260

7/31/17
DATE

[ADDITIONAL SIGNATURES ON THE FOLLOWING PAGE]

DEFENDANT

By: _____

RUDY JAMES
Defendant

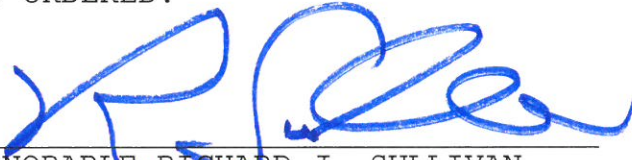
07/31/17
DATE

By: _____

STEVEN FRANKEL, Esq.
Attorney for Defendant
325 Broadway, Suite 502
New York, New York 10007

7/31/17
DATE

SO ORDERED:


HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

8/1/17
DATE